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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/248,515	02/08/1999	HOWARD B. SOSIN	2001611-0004	8867

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 05/22/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/248,515

Applicant(s)

SOSIN, HOWARD B.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-54 and 59-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-54 and 59-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 51, 53-54, and 59-69 rejected under 35 U.S.C. 102(b) as being anticipated by Thompson.

Thompson discloses an iron-type golf club having a head with a sole (Fig. 2), a single straight hosel for connection to a shaft (Figs. 1-2), a connection arranged so that the shaft forms a non-zero lean angle with the vertical when the head rests on its sole in the form of when the head is rested along the bottom on the sole (Fig. 2), the non-zero lean angle being greater than 3 degrees in the form about 6 degrees (Fig. 2), an iron being a wedge (Col. 2, Lns. 8-16), and when a head rests on its sole an impact face is positioned at its designed loft (Fig. 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Scheie.

Thompson lacks a head and hosel being forged or cast. Scheie discloses a head and hosel being forged or cast (Col. 4, Lns. 1-2). In view of the patent of Scheie it would have been obvious to modify the club of Thompson to have the head and hosel being forged or cast in order to utilize a known manufacturing process in the market place.

5. Claim 51, 53-54, 59-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Hirose.

Adams discloses an iron-type golf club having a head with a sole (Fig. 2), a single straight hosel for connection to a shaft (Figs. 1-2), a connection arranged so that the hosel forms a non-zero lean angle with the vertical when the head rests on its sole in the form of when the head is rested along the bottom on the sole (Figs. 3-5), the non-zero lean angle being greater than 3 degrees in the form about 8 degrees (Fig. 5), an iron being a wedge (Col. 2, Lns. 16-27), and when a head rests on its sole an impact face is positioned at its designed loft (Figs. 3-5).

Adams lacks a single straight shaft. Hirose discloses an iron club having a single straight shaft (Figs. 13-14, Col. 1, Lns. 10-25). In view of the patent of Hirose it would

have been obvious to modify the club of Adams to have a single straight shaft in order to increase the velocity of the head at impact.

6. Claims 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Hirose as applied to claims 51, 53-54, 59-69 above, and further in view of Scheie.

Adams lacks a head and hosel being forged or cast. Scheie discloses a head and hosel being forged or cast (Col. 4, Lns. 1-2). In view of the patent of Scheie it would have been obvious to modify the club of Adams to have the head and hosel being forged or cast in order to utilize a known manufacturing process in the market place.

### ***Response to Arguments***

7. The argument with respect to MacDonald is agreed with. As such the reference of MacDonald is removed and a new non-final rejection has been made due to new art being found.

### ***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahn discloses a shaft having a lean angle when a sole based on a cross-section is positioned on a flat surface based (Fig. 9). Solheim discloses a shaft

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having a lean angle when a sole bottom portion (Ref. No. 16, Fig. 6) is placed on a flat surface.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Paul Sewell whose telephone number is (703) 308-2126. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

Slb 12 May 2003

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**